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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

07/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbard et al (EP 0 906 373 B1) in view of Knoerzer (U. S. Patent 5,525,421) for the reasons of record set forth in paragraph 5 of the Office Action mailed December 11, 2008 (Paper Number 20081208).
3. Applicant's arguments filed April 13, 2009 have been fully considered but they are not persuasive. In reference to rejection of claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over Hubbard et al (EP 0 906 373 B1) in view of Knoerzer (U. S. Patent 5,525,421), applicants essentially argue that Hubbard et al teach barrier layer comprising polysilicate and layered silicate applied over the primer coat of polyvinyl alcohol which is applied to the polyolefin substrate. Hubbard et al do not disclose that there is a problem of adhesion between polyvinyl alcohol and the polyolefin substrate. The Example 8 of the present specification shows that PVOH primer and polysilicate coating without the vermiculite on a non-modified polyolefin film results only in an oxygen barrier of 6.41. Applicants state that Knoerzer improved adhesion between the PVOH primer layer and the polyolefin film. But this never was a problem with the silicate coated film. Therefore this teaching does not provide any motivation to try such modified polyolefin film for improving the barrier of the polysilicate coating.

These arguments are unpersuasive because Knoerzer clearly teach modified polyolefin provides improved adhesion to PVOH. In the present invention Example VB 3 shows better oxygen barrier property with PVOH layer on modified polyolefin surface compared to that of

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unmodified polyolefin surface Example VB 4. Example VB 3 has better oxygen barrier property compared to the Example VB 5 which has a polysilicate layer directly on modified polyolefin surface. There is nothing on record showing that there is no adhesion problem between the PVOH layer and the polyolefin substrate when the surface of PVOH layer, which is not in contact with polyolefin substrate, is coated with the polysilicate. From the teaching of Knoerzer, it is clear that to bond PVOH layer to the unmodified polyolefin substrate needs either PEI primer or modified polyolefin layer. There is no showing that the polyolefin substrate primed with PEI is coated with PVOH layer followed by polysilicate layer would not give similarly improved oxygen barrier properties. Claimed invention is an open language and is inclusive of additional components, such as layered silicate, which are not specified in the claimed invention.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie E. Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/D. S. Nakarani/
Primary Examiner, Art Unit 1794**

DSN
July 7, 2009.